

To: Zellmer, James A - DNR[James.Zellmer@wisconsin.gov]
Cc: Patrick Stevens (Patrick.Stevens@Wisconsin.gov)[Patrick.Stevens@Wisconsin.gov]; Williams, Quinn L - DNR[Quinn.Williams@wisconsin.gov]; Aquino, Mark D - DNR[Mark.Aquino@wisconsin.gov]; Pierard, Kevin[pierard.kevin@epa.gov]; Toney, Marcy[toney.marcy@epa.gov]; Zander, Rachel[Zander.Rachel@epa.gov]; Socha, Julianne[socha.julianne@epa.gov]; Bauer, Candice[bauer.candice@epa.gov]; Holst, Linda[holst.linda@epa.gov]; Korleski, Christopher[korleski.christopher@epa.gov]
From: Korleski, Christopher
Sent: Fri 9/15/2017 8:35:28 PM
Subject: Meeting Follow-Up
[20170915 WOTUS-NW comparison.pdf](#)

Hello Jim:

On behalf of my team, I wanted to again thank you and the WDNR team for your hospitality during our recent meeting. I was impressed with the progress our agencies have made on the Legal Authority Review and the degree of collaboration and commitment exhibited by our teams.

As I indicated, I will be forwarding in the next week or so a meeting summary for WDNR's review which captures the agreements reached. In the meantime, though, I did want to quickly return to the "navigable waters vs. waters of the U.S." issue.

Attached please find a copy of a side-by-side comparison of the definitions of the terms "waters of the United States" (WOTUS) and "navigable waters" prepared by the Region 5 team. During the meeting, WDNR offered to provide EPA with Wisconsin case law that interpreted the "navigable waters" definition in a manner consistent with (and in some cases broader) than the federal WOTUS definition. I would appreciate WDNR providing its analysis of that case law (and other sources of authority) in order that EPA can fully understand WDNR's position and evaluate WDNR's argument.

I look forward to continuing a productive dialogue on this issue and commit to expediting EPA's efforts to enable WDNR's issuance of the general permit.

Thanks.

Chris

Chris Korleski

Director, Water Division, Region 5

U.S. Environmental Protection Agency

77 W. Jackson Blvd. (W-15J)

Chicago, IL 60604

312 886-1432 (Liz Rosado, Assistant)

312 353-5498 (General Office Number)

korleski.christopher@epa.gov